

Chapter 34

OFFICERS AND EMPLOYEES

[HISTORY: Adopted by the Town Board of the Town of Rochester as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Appointive Boards

[Adopted 1-8-1987 by L.L. No. 1-1987]

§ 34-1. Purpose. [Amended 4-2-1998 by L.L. No. 1-1998]

This article is enacted pursuant to the provisions of the Municipal Home Rule Law and provides for establishing standards of conduct for members of appointive boards. The Town Board of the Town of Rochester, by the enactment of this article, finds that it is in the best interests of the residents of the Town to establish strict attendance standards for members of appointive boards so as to avoid delay in processing applications and to provide for a fair hearing before said boards for residents of the Town.

§ 34-2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

APPOINTIVE BOARD — Any group of three or more persons delegated by local law, ordinance or state law to perform a specific governmental function and which board is appointed by the Town Board of the Town of Rochester.

CALENDAR QUARTER — Each three month period of each year beginning with January 1 of each year.¹

§ 34-3. Attendance and training standards. [Amended 8-26-1999 by L.L. No. 3-1999]

- A. Members of all appointive boards in the Town of Rochester are expected to attend all regularly scheduled and specially scheduled meetings of such appointive board. In the event that a member of an appointive board is absent from three consecutive meetings, or in the event that a member of the board is absent from five meetings within any one calendar year, then such member may be sanctioned as provided for in this chapter.
- B. All members appointed to the Planning Board and the Zoning Board of Appeals of the Town of Rochester shall be required, as a condition of appointment, to attend a training program related to the functions of said Board within six months of the date of such appointment. Thereafter, every member of the Planning Board and Zoning Board of Appeals shall be required to attend a minimum of two training programs annually.

¹. Editor's Note: The former definition of "Code Enforcement Officer," which immediately followed this definition, was deleted 4-2-1998 by L.L. No. 1-1998.

Authorized training programs shall include programs presented by the Ulster County Planning Board, the New York State Association of Towns or their equivalents or any other program, provided that same has been approved by the Board's Chairman.

§ 34-4. Sanctions for violation.

- A. Referral to Town Board. At least four days prior to the first monthly Town Board meeting in each calendar quarter (i.e., January, April, July and October) the Chairperson of each appointive board shall notify the Town Board when any member of the Chairperson's board has failed to satisfy the required standards of attendance during the preceding calendar quarter. A copy of such notice shall also be sent, via certified mail, return receipt requested, to the last known address of said board member.
- B. Hearing required. Upon receipt of the notice specified in Subsection A, the Town Board shall schedule a hearing for purposes of consideration of sanctions to be imposed. Such hearing shall take place on no less than 10 days' written notice to the board member and, in addition, public notice shall be given at least 10 days prior to said hearing in the official newspaper or newspapers of the Town.
- C. Conduct of hearing. The hearing to be conducted shall be informal in nature and may be conducted in executive session as such term is defined in the Public Officers Law of the State of New York, provided that all procedural requirements of said statute are complied with. The board member complained of shall have the right to be represented by counsel. The Town Board shall consider any explanation provided by said member and shall make allowances for illness, vacation time and other extenuating circumstances.
- D. Disposition. At the conclusion of the hearing, the Town Board shall determine to either take no action or to remove said board member from office. In the event that said board member is removed, the Town Board shall place its reasons for such action in the official minutes of the Town Board. Nothing herein shall be construed to prevent the Town Board from waiting a reasonable period of time after said hearing to provide an opportunity for a member of an appointive board to submit his or her written resignation from such board to the Town Clerk.
- E. Filling vacancies. Upon voting to remove a member of an appointive board from office, the Town Board shall notify the Chairman of such board, in writing, of the Town Boards action. The Town Board shall immediately fill the vacancy created by the removal action.²

ARTICLE II

Insurance Buyout Provision

[Adopted 8-6-2004 by L.L. No. 3-2004³]

§ 34-5. Purpose.

This article is adopted pursuant to the provisions of the Municipal Home Rule Law of the State

2. Editor's Note: Former Section 5, Term of office of the Code Enforcement Officer, amended 11-3-1988 by L.L. No. 3-1988, was deleted 4-2-1998 by L.L. No. 1-1998.

3. Editor's Note: This law also repealed former Art. II, Village Equivalent Payments, adopted 2-27-1992 by L.L. No. 1-1992, as amended.

of New York which allows municipalities to adopt local laws concerning the wages and conditions of employment of employees and officers of the Town. The Town Board hereby recognizes that employees who have health-care coverage through their spouses or others are, in effect, deprived of a valuable economic incident of employment if they do not receive health insurance coverage from the Town. It is the purpose of this article to adjust this difference in monetary treatment by allowing eligible employees to participate in an insurance buyout program.

§ 34-6. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ELIGIBLE EMPLOYEE — Any full-time employee, other than an elected official or member of a collective bargaining unit, who is eligible for medical insurance coverage made available by the Town as a benefit of employment, but who has comparable health insurance coverage from another source.

§ 34-7. Procedure.

A. To participate in the medical insurance buyout the eligible employee must:

- (1) Provide the Town Supervisor with documentation, in a manner and form as determined by the Town Board, demonstrating that the eligible employee has comparable medical insurance coverage from another source; and
- (2) Sign an appropriate waiver of medical insurance; and
- (3) Sign a waiver of Town liability,

B. The Items in Subsection A(1) through (3) above must be completed annually, no later than January 15.

§ 34-8. Limitation of buyout amount.

Eligible employees who have followed the procedures set forth in § 34-7 of this chapter shall receive a buyout of \$1,500 annually.

§ 34-9. Method of payment.

The annual buyout shall be paid to eligible employees throughout the course of the buyout year, in equal payments, to be included in the employee's regular paycheck for each pay period for so long as the employee remains eligible to receive the buyout.

§ 34-10. Reinstatement.

In the event that an eligible employee is no longer covered by an alternate insurance plan, that employee may resume coverage under the medical insurance plan made available through the Town, provided the employee meets all eligibility requirements of the medical insurance plan provided by the Town. Such coverage will begin on the first day of the month immediately following the employee giving a minimum of five days' notice to the Town Supervisor of the

necessity of reinstatement in to the Town's medical insurance program.

§ 34-11. Medical insurance buyout authorized.

Any eligible employee may request a waiver of health insurance coverage and payment of the insurance buyout as provided in this article.

ARTICLE III

Background Checks

[Adopted 5-7-2004 by L.L. No. 1-2004]

§ 34-12. Purpose.

This article is adopted pursuant to the provisions of the Municipal Home Rule Law of the State of New York and provides for criminal background checks for all prospective employees and volunteers in the Town of Rochester who will be working with or participating in Town-sponsored youth activities.

§ 34-13. Applicability; procedure.

All prospective employees and volunteers who will be working with or participating in Town-sponsored youth activities and programs must undergo a criminal background check in a manner to be determined by the Town Board and established by resolution of the Town Board.